



Planning

**MAJOR PROJECT ASSESSMENT:
MIXED USE DEVELOPMENT
7-9 GIBBONS STREET, REDFERN
(MP 08_0112)**



Candalepas Architects

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
October 2010

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Kimberley Securities Pty Ltd
RtS	Response to Submissions

Cover Photograph: Southern elevation of proposed building
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EXECUTIVE SUMMARY

This report is an assessment of a project application seeking approval for Major Project 08_0112 for an 18-storey mixed-use development at 7-9 Gibbons Street, Redfern, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The site is legally known as Lots 1-9 Section 9 of DP 4209 and Lot B of DP 354297, has an area of 1,618m² and is located in the LGA of the City of Sydney.

This proposed works would demolish the existing multi-level car park occupying the whole site, excavate to a depth of approximately 26m, and construct a mixed-use development of 18-storeys comprising, retail, commercial and residential uses. The commercial uses would occupy the podium and consist of 1,590m² of retail at ground level and a supermarket on Level 1, and 902m² of general commercial space on Level 2. The main tower would contain 149 residential units, consisting of 31 x 2-bedroom units, 89 x 1-bedroom units and 29 studio units.

On 4 July 2008, the Director General, as delegate of the Minister, formed an opinion that the project is a major project under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005*. The CIV for the project is \$39,097,226, and is expected to generate 60 construction jobs and 100 operational jobs. The Minister is the approval authority.

The site is zoned 'Business Zone — Commercial Core' under the MD SEPP and mixed-use development is permissible in the zone.

The Environmental Assessment was exhibited from 24 March until 23 April 2010. The Department received 6 submissions from public authorities and 8 submissions from the general public. Key issues included: built form and urban design; overshadowing; car parking; rail corridor and geotechnical issues; acoustic impacts; and developer contributions.

On 26 July 2010, the proponent submitted a Preferred Project Report to address issues raised by the Department, other government authorities and the public. The key issues raised are considered to have been adequately addressed, including the removal of 152m² of floor space which contributed to the floor space ratio exceeding the maximum of 7:1. The development now complies.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been adequately addressed by the proponent's EA and Preferred Project Report, including the Final Statement of Commitments, and can be adequately mitigated by the Department's recommended conditions to ensure a satisfactory level of environmental performance.

On these grounds, the Department considers the proposal is acceptable and should be approved, subject to conditions.

1. BACKGROUND

The mixed-use development at 'Lawson Square' site was inspected by Department officers on 19 March 2009 and 19 March 2010. The project location is shown in **Figure 1**.

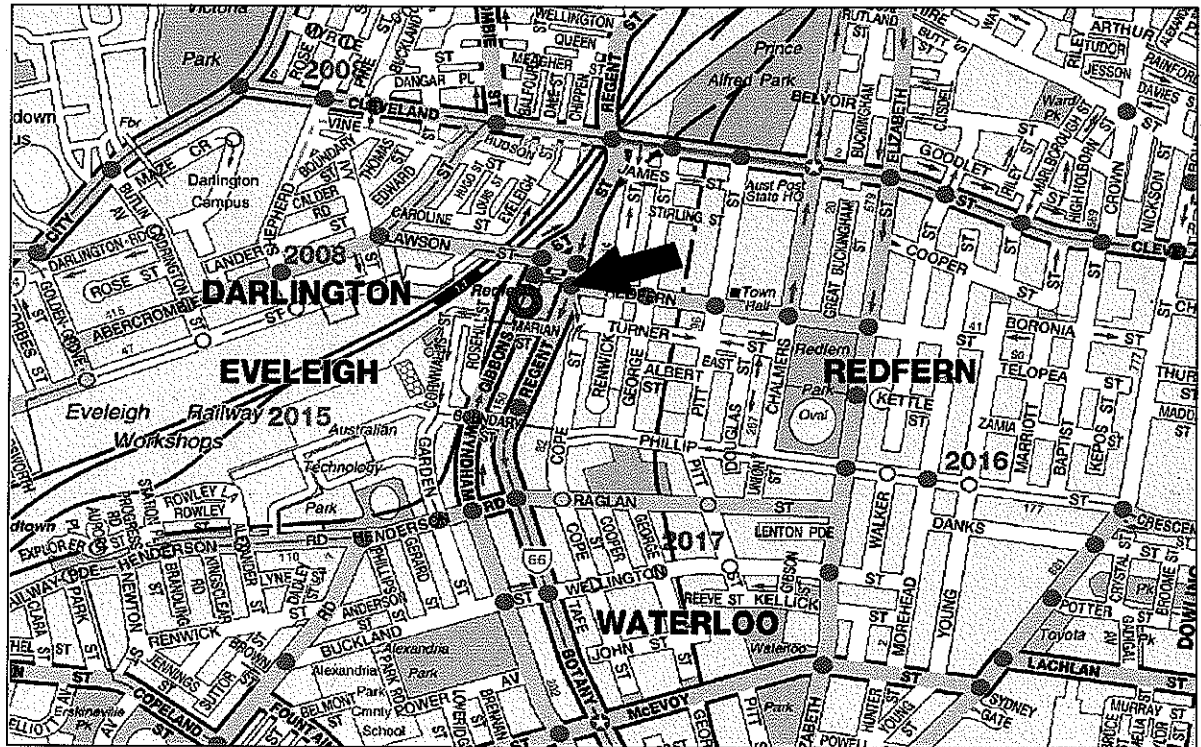


Figure 1: Site Location (circled blue)

The subject site, known as Lawson Square, occupies 7–9 Gibbons Street, Redfern (Lots 1–9, Section 9 of DP 4209 and Lot B of DP 354297). The subject site area is approximately 1,618m². The site is a parallelogram, with sides of approximately 32m and 52m length. The site falls approximately 2.5m from north to south over the 52m long frontage to Gibbons Street. It is owned by Lawson Square Pty Ltd as trustees for Lawson Square Unit Trust. The site is bounded by Gibbons Street to the west, Marian Street to the south and William Lane to the east. Its boundary to the north is 157 Redfern Street (former Redfern RSL Club).

The development at 157 Redfern Street (MP09_0039) was approved by the Planning Assessment Commission on 22 December 2009. The approved development comprises the demolition of the existing two-storey Redfern RSL club building and ancillary structures, and the construction of an 18-storey mixed-use building containing retail at first floor, RSL club at second floor level, commercial offices over Levels 3 – 4, residential apartments over Levels 5 – 18, and a 5-level basement car park (147 car spaces). Construction has commenced on site.

The existing building on the subject site is a 4-storey car park. It contains 156 spaces which are used by the tenants of the Lawson Square Towers, including the NSW Police who are stationed in that building.

The site is 100m south of Lawson Street that runs east to west along the highest part of the ridge in the locality. It is an urban precinct with a number of medium-to-high density redevelopment projects recently completed or approved for construction. Good access to public transport is nearby, with Redfern Railway Station being no more than 50m away on the west side of Gibbons Street. Twin 12-storey towers (formerly known as the TNT Towers) occupy the top of the ridge, approximately 60m further north.

Gibbons Street marks the western boundary of the site, and is a north bound route into the Central Business District. East of the site's block is Regent Street, a south bound arterial road. The site's southern boundary is marked by Marian Street, carrying two-way traffic. William Lane is a dead-end narrow laneway that marks the site's eastern boundary.

2. PROPOSED PROJECT

2.1 Project Description

Project approval (as modified in the PPR) is sought for:

- Demolition of multi-level car park
- 149 residential units comprising 31 x 2-bedroom units, 81 x 1-bedroom units and 29 x studio units
- 1590m² of retail floor space
- 902m² of commercial floor space
- Eight levels of basement car parking
- 177 car spaces associated with this mixed-use development
- 80 car spaces reserved for use by Lawson Towers
-

Table 1 – Major Components of the Project

	Description – Exhibited EA	PPR
Site Area	1,618m ²	-
Height	70.77m (RL 97.90) , or 18 storeys from ground level up.	No amendment
FSR	7.0939:1	7:1 (deletion of the 152m ² of community space)
Parking	8 levels of parking containing 257 spaces allocated as follows: Disabled parking – 20 for adaptable units & 4 for commercial and supermarket use Retail 63 spaces Commercial 5 spaces Residential 109 spaces TNT allocation 80 spaces	8 levels of parking containing 257 car spaces Disabled parking – of the total, 20 for adaptable units & 4 for commercial and supermarket use Retail 63 spaces Commercial 5 spaces Residential 109 spaces TNT allocation 80 spaces 80 bicycle spaces
Setbacks	3 storey podium and 4m tower setback 4m to Gibbons – tower 4m to Marian Street – tower with bay windows min 2.7m to max 3.405m 3.2m to William Lane for the bulk of building with bay windows min 1.89m to max 2.6m	3 storey podium and 4m tower setback 4m to Gibbons – tower & min 3.135m for balconies 4m to Marian Street – tower with bay windows min 3.0m 3.2m to William Lane for the bulk of building with bay windows 2.2m to bdy.
Operating Hours	Retail tenancies: 7am to 11pm Monday to Saturday 8am to 10pm Sunday and public holidays Commercial offices: 8am to 7pm Monday to Friday 9am to 5pm Saturdays	No amendment
CIV	\$39,097,226.00	No change
Construction Jobs	60	60
Operational Jobs	100	100

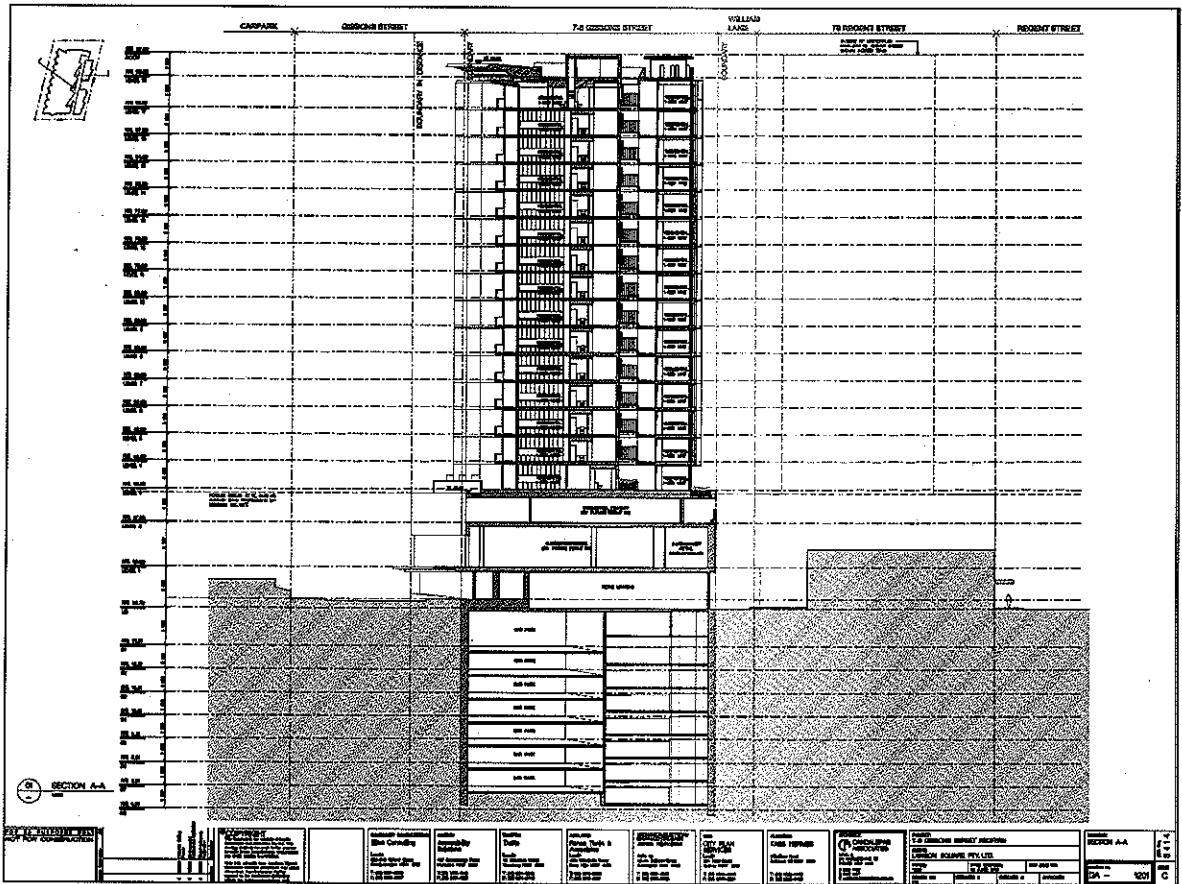


Figure 4 – Plan Section

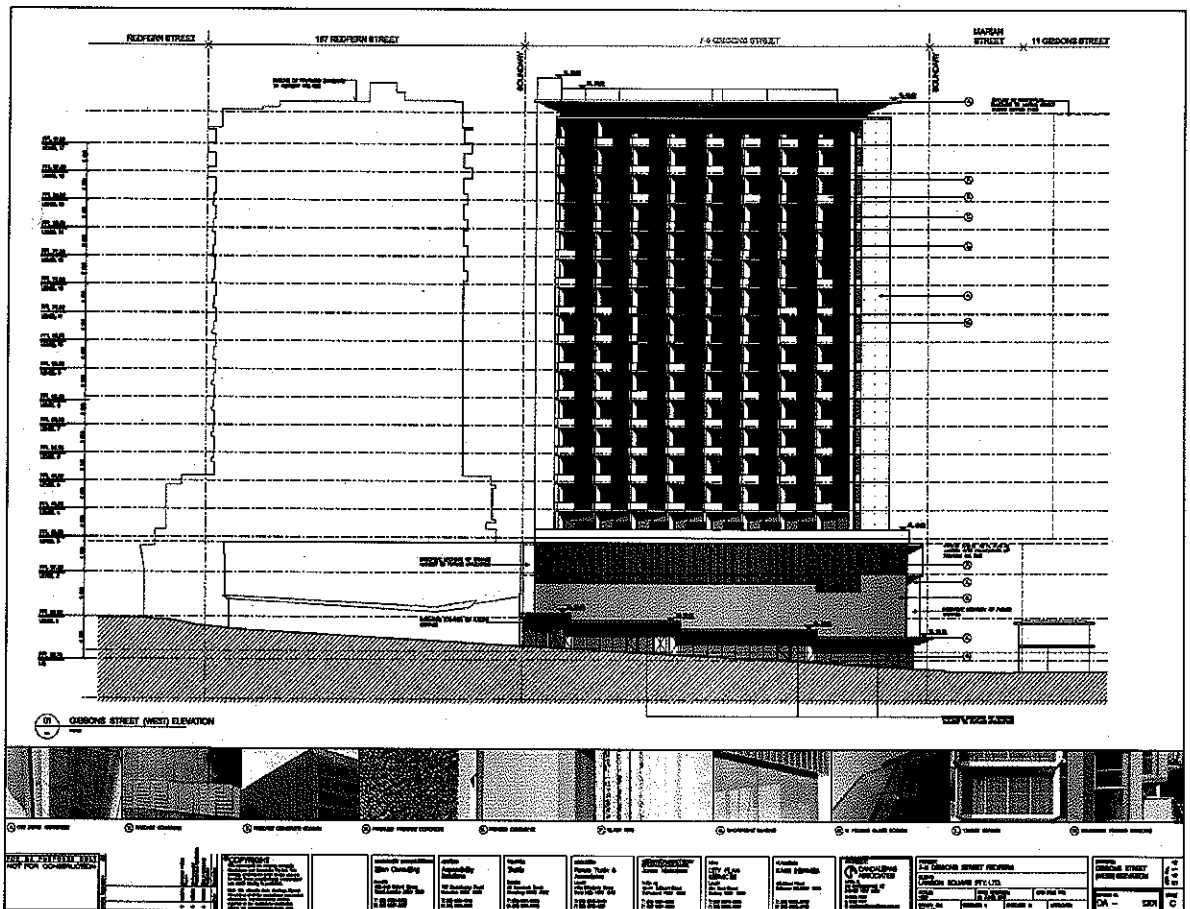


Figure 5 – Gibbons Street elevation

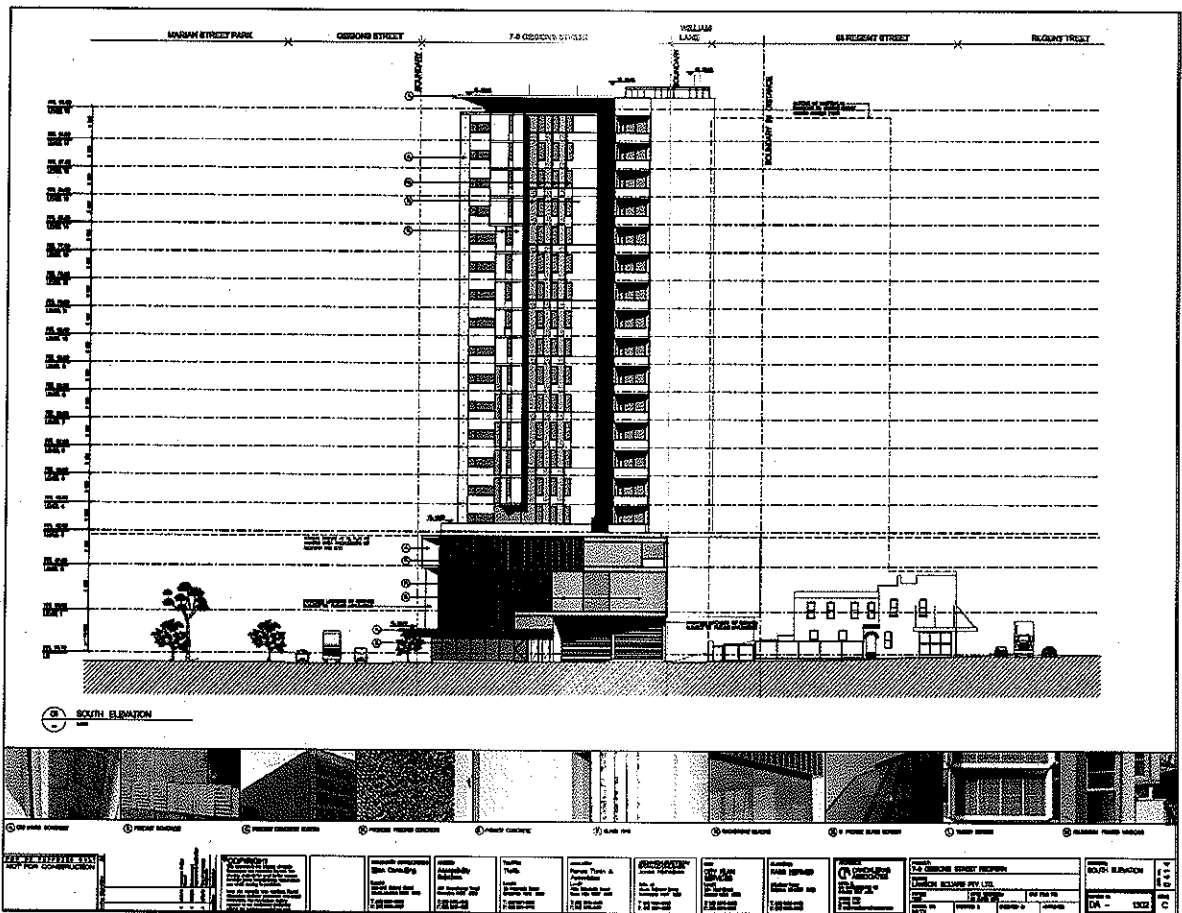


Figure 6 – Marian Street Elevation

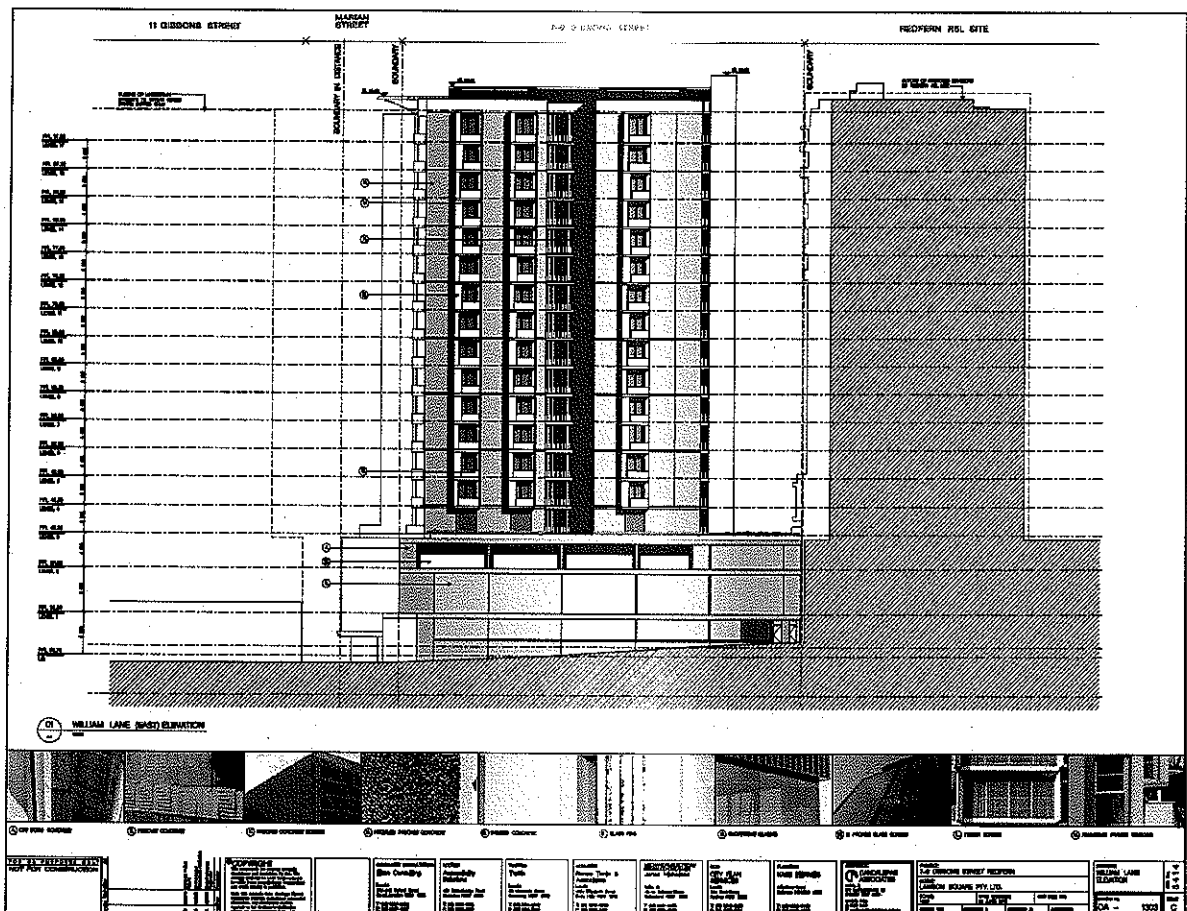


Figure 7 – William Lane elevation



Figure 8 – Photomontage of the approved 157 Redfern Street development in foreground and the proposed 7-9 Gibbons Street development in the background viewed south-east along Gibbons Street.

2.2 Project Need and Justification

The proposal is consistent with the Redfern Waterloo Built Environment Plan and the Sydney Metropolitan Strategy with regards to satisfying the demand for new housing. The Redfern Commercial Centre will be embellished by additional commercial and retail floor space that is well serviced by public transport, in particular Redfern Railway Station. The development will generate direct employment opportunities for approximately 50 persons and secondary employment associated with servicing of the new units and retail/commercial tenancies. On this basis, the Department considers that the development will provide economic and social benefits to Redfern and contribute to its rejuvenation.

3. STATUTORY CONTEXT

3.1 Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) under Schedule 3 – 'Redfern Waterloo Authority sites' of *State Environmental Planning Policy (Major Development) 2005* as it has a CIV greater than \$5 million. Therefore the Minister for Planning is the approval authority.

3.2 Permissibility/ FSR/Building Height

The site is zoned 'Business Zone — Commercial Core' under the MD SEPP and the proposed development is permissible in the zone. The maximum FSR permissible under the MD SEPP is 7:1 and the proposal complies with this control. The built form on the site is controlled by a maximum 18-storey building height. The proposal complies with this control. The SEPP also provides controls for podium height which varies on the site from 2-storeys at the northern part of the site fronting Redfern and 5-storeys on the western side of the site fronting Gibbons Street. The proposal has a 2-storey podium above ground level that steps to the tower element. Accordingly, the proposal complies with the podium height controls of the MD SEPP.

Design Excellence

Clause 22 in Schedule 3, Division 3 requires new development to exhibit design excellence and in some instances may require a design competition for development over 12-storeys in height. The DGRs did not require a design competition. The proponent has submitted a Design Verification Statement in accordance with SEPP 65 to demonstrate design excellence. The Department has considered urban design in this report in Appendix D – Consideration of Environmental Planning Instruments.

The proposed building envelopes and apartment layouts as well as compliances with BASIX and SEPP 65 principles, enable the Department to conclude that the project meets the specific design requirements of the MD SEPP.

3.3 Environmental Planning Instruments

Under sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project. The primary instruments guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No. 55 — Remediation of Land
- Redfern-Waterloo Authority Built Environment Plan
- Redfern-Waterloo Authority Development Contribution Plan
- Redfern-Waterloo Authority Affordable Housing Development Contributions Plan 2006.

The Department considers the proposal complies with the relevant provisions of the above instruments and plans, and detailed consideration of the relevant SEPPs and EPIs is provided in Appendix D.

3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*

- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has considered the objects of the EP&A Act and considers that the application is consistent with the relevant objects. The assessment of the application in relation to these relevant objects is provided in Section 5.

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD "requires the effective integration of economic and environmental considerations in decision-making processes" and that ESD "can be achieved through" the implementation of the principles and programs including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. In applying the precautionary principle, public decisions should be guided by careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment and an assessment of the risk-weighted consequences of various options.

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. A detailed assessment of ESD issues is contained at Section 5. On the basis of this assessment, the Department is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act.

3.5 Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75H(3) of the EP&A Act, the Director General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 24 March 2010 until 23 April 2010 on the Department's website, and at the Department of Planning, City of Sydney Council, Redfern Neighbourhood Centre and Redfern Waterloo Authority. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and Sydney Central Courier on 24 March 2010, and notified landholders, local community groups and relevant State and local government authorities in writing.

The Department received fourteen (14) submissions during the exhibition of the EA – 6 submissions from public authorities and 8 submissions from the general public.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Six (6) submissions were received from public authorities. City of Sydney Council, Redfern Waterloo Authority, RailCorp, Transport and Infrastructure, RTA and Sydney Water raised no objections, subject to appropriate conditions to be included in any project approval granted by the Department.

City of Sydney Council

City of Sydney Council raised a number of issues in relation to car parking for the supermarket and the Lawson Square Towers, bicycle parking, design issues and signage strategy.

The parking issue relates to the provision of car parking for the supermarket that Council considers should comply with Council's *DCP 11 'Transport Guidelines for Development'* i.e. the parking should be based upon a survey of similar supermarkets located in similar locations. The 80 parking spaces provided for the Lawson Square Towers does not comply with the requirement for 156 spaces as imposed some 40 years ago via consents from 1970 and 1972.

Design matters generally relate to the southern podium elevation being highly visible and having large areas of precast concrete with no visual relief. Council also has requested a signage strategy, which relates to any future signs for the building.

Redfern Waterloo Authority

The Authority raised the following matters: non-compliance with the MD SEPP in terms of FSR; car parking should comply with Council's DCP 11; and supermarket car parking is considered to be excessive given the location to public transport; parking for the Lawson Square Towers; the Marian Street pedestrian link and the William Lane elevation; compliance with SEPP 65; ESD; cycle facilities; wind; social cohesion; and the Redfern Waterloo Contributions Plan.

RailCorp

RailCorp raised no objection, although noted issues associated with the Geotechnical Report and Acoustic Report. RailCorp has provided a list of requirements, including the need to have extensive consultation with the proponent prior to the issue of a Construction Certificate due to the site's proximity to the rail corridor.

Transport & Infrastructure

Transport and Infrastructure encourage sustainable transport and make reference to the availability of Redfern Station in close proximity to the development proposal. In the circumstances, the development should provide less parking, contribute to pedestrian and bicycle access and integrate with Redfern Station via a new Gibbons Street crossing at the Marian Street alignment.

RTA

The development project was referred to the Sydney Regional Development Advisory Committee which has recommended a number of operational conditions that will form part of the project approval.

Sydney Water

Sydney Water will require a Section 73 Certificate. Other matters raised are in relation to positive covenants over the detention and water quality treatment systems, and the flood study to be revised.

Sydney Airport

The project application was referred to Sydney Airport as the building has an RL of 96 and the site falls within an area marked as having an RL 90 on the Obstacle Limitation Surfaces (OLS) map. Sydney Airport forwarded the application to CASA who, at the time of writing this report, is still currently assessing the proposal. As no response from either agency has been received, an appropriate condition will be included in the project approval requiring the proponent to consult with Sydney Airport prior to the issue of the Construction Certificate.

4.3 Public Submissions

Eight (8) submissions were received from the public. All eight (8) public submissions objected to the project. The key issues raised in public submissions are listed in Table 2.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
Apartment Mix	25%
Car Parking	35%
Height/Number of Storeys	75%
Traffic	25%
Overshadowing	25%

Issue	Proportion of submissions (%)
Views	15%
Loading Facilities	15%

The Department has considered the key issues raised in submissions in its assessment of the project.

4.4 Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions (see Appendix C). The response included a Preferred Project Report which outlined the following changes:

1. Reduction in FSR to 7:1 being the maximum permissible under the Redfern Waterloo Built Environment Plan and the development standards within Schedule 3 of the MD SEPP.
2. External refinements to the architectural detail of the building to address:
 - Articulation of southern facade of the podium;
 - Improvement of visual surveillance of Marian Street;
 - Modification of the 4 vertical elements on the southern and eastern elevations; and
 - The provision of separate residential and commercial entrances and lobbies.
3. The Preferred Project Report amended the 149 apartment mix from 74 x 1-bedroom apartments to 89 x 1-bedroom apartments, and 44 studio apartments to 29 studio apartments. The proposed 31 x 2-bedroom apartments were unchanged.
4. The provision of bicycle parking spaces in accordance with South Sydney DCP 11.
5. The provision of toilets and shower facilities for cyclists.
6. The incorporation of a Signage Strategy which identifies indicative areas on the building for future signage.

5. ASSESSMENT

The Department considers the key environmental issues for the mixed-use development to be:

- Built form and urban design
- Overshadowing
- Car parking
- Rail corridor and geotechnical impacts
- Amenity and acoustic impacts
- Developer Contributions
- Ecologically Sustainable Development

5.1 Built Form and Urban Design

Bulk and Scale

The initial floor space ratio proposed in the EA was in excess of the maximum 7:1 prescribed in the MD SEPP. The PPR has reduced the floor space ratio by removing 152m² of floor space which ensures the proposal now complies with the 7:1 limit.

The building height is 18-storeys which complies with the maximum height limit in the MD SEPP. This is also consistent with the number of approved storeys at 157 Redfern Street.

The building setbacks from Gibbons Street, Marian Street, William Lane and from the approved mixed use development adjoining to the north (RSL site) have been met. The building has a predominantly 4 metre setback from Gibbons Street boundary with some minor encroachments of the balcony areas. The Marian Street setback is 4 metres with a small projection of a bay window. William Lane has a 3.2 metre setback for the bulk of the building to the boundary, with minor encroachments of three (3) bay windows at each residential level (4 to 17). The northern boundary setback with the RSL approved development ranges from a minimum of 10.45 metres for balconies, to 12 metres for blank walls.

While view loss associated with the bulk and scale of the development has been raised as an issue by residents within a residential complex located opposite to the south east of the subject site, the Department does not consider this to be a key issue for a number of reasons. First, the proposed building meets with the maximum height of 18-storeys. Second, it is consistent with the Redfern

Waterloo Built Environmental Plan. Third, it has a built form that is in context with the surrounding locality. And fourth, view loss poses no significant impact on the development in Margaret Street.

Overall, the Department is of the view that the bulk and scale of the proposed building is comparable to 157 Redfern Street, is acceptable in context, and has maintained appropriate setbacks.

Ground and Podium level building elevations/access

The Marian Street, Gibbons Street and William Lane podium elevations were raised as an issue by the Council and the Redfern Waterloo Authority. The Gibbons Street elevation at the podium level will be treated with glass fins separated by an awning expressed in an off-form concrete finish. The ground level retail tenancies will be provided with full height glazing. The Marian Street podium elevation will be similar in treatment with glass fins and additional precast concrete finishes.

The main issue at the Marian Street elevation is the provision of a 15-metre wide driveway entry to the car park extending to the corner of William Lane for the loading dock. Although this length of driveway is larger than what would be expected, loading dock access from William Lane has now been removed as depicted within the PPR. The Department is of the opinion that this design approach is more appropriate. The issue raised by the Redfern Waterloo Authority and Council about the driveway and the potential conflict with pedestrians is acknowledged by the Department. However, the site distance along Marian Street for pedestrians crossing the extended driveway is not hindered by any physical design elements, with vehicles and trucks generally having a clear view of the Marian Street footpath. The resultant design also spares Gibbons Street and William Lane of any vehicular access or traffic movements that would have compromised pedestrian movements and building façade treatments.

The remaining issue relates to the proposed common pedestrian access and lobby area for residential/retail/commercial users. The PPR now intends to provide separate lobbies for the residential component and retail/commercial users. The Department considers this provides a better outcome for the retail users and residential owners/occupiers of the building.

The RTA has provided the Department with requirements which will need to be addressed by the proponent prior to the issue of the Construction Certificate, including consultation with Council and the RTA, as well as the design of driveways to meet relevant Australian Standard requirements and other traffic management provisions. The Department will include these requirements as recommended conditions of approval.

5.2 Overshadowing

An analysis of the shadow diagrams (refer **Figure 9 overleaf**) indicate that the shadow of the proposed development will travel across surrounding sites generally between 1 hour and 2.5 hours. Some properties in Regent Street to the south-east will be affected up to 3 hours in mid-winter.

Turner Street properties towards the Cope Street intersection will not be affected. Cope Street (east) properties are affected by late afternoon overshadowing in winter for approximately 1 to 1.5 hours. Marian Street properties are impacted by overshadowing at various times of the day in winter. However, these properties are able to gain sunlight during the day either in the morning or in the afternoon. Properties to the south of Margaret Street (west) are minimally affected for approximately 1 to 1.5 hours in winter, and those properties to the north of Margaret Street are affected by approximately 1.5 to 2 hours in mid winter.

It is acknowledged by the Department that overshadowing of Regent Street properties and other streets are exacerbated by the existing Lawson Square Towers and the future approved tower on the RSL site fronting Redfern Street. The Department is of the opinion that the amount of overshadowing and access to sunlight to the winter months is reasonable, particularly given that the proposal is consistent with height and boundary setbacks for this precinct.

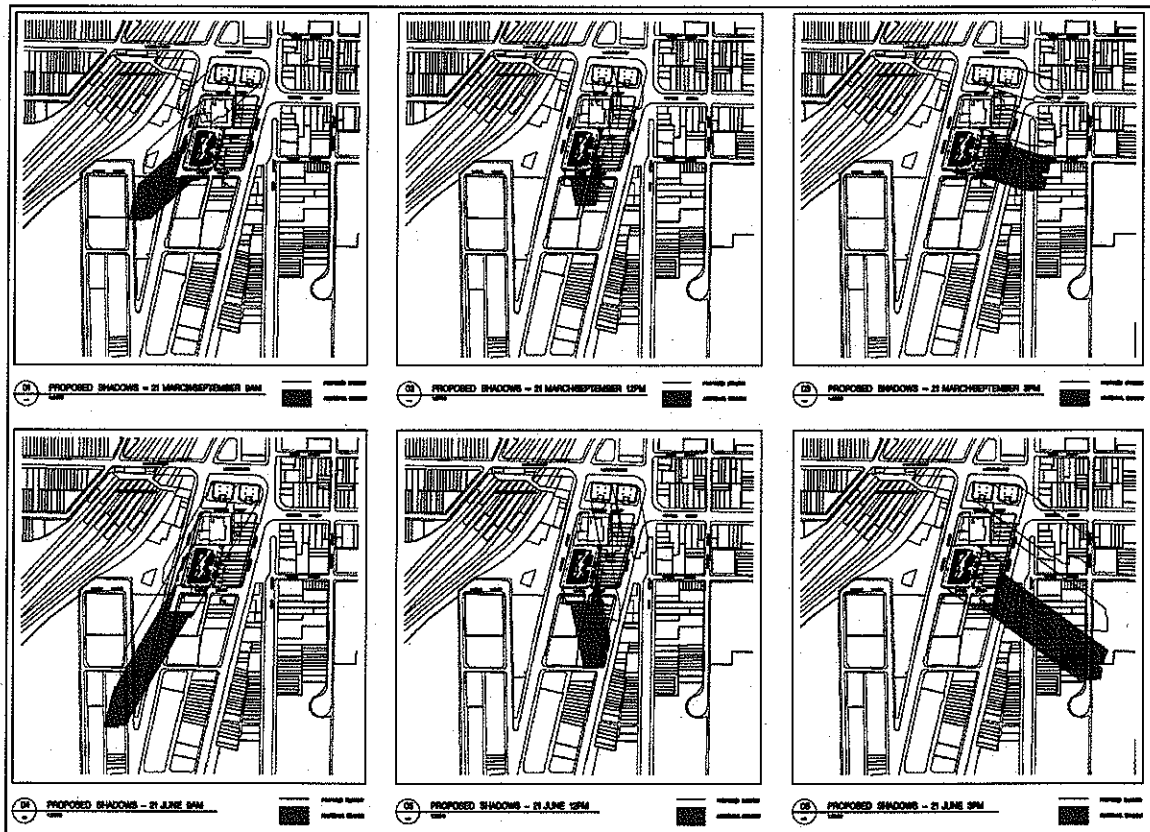


Figure 9 – Shadow Diagrams

5.3 Car Parking

Car parking

The project development will accommodate the following numbers of on-site car parking for the varying uses:

- Retail: 63 spaces
- Commercial: 5 spaces
- Residential: 109 spaces

Total: 177 spaces

The car parking provision for the residential component is 109 spaces which is compliant with South Sydney DCP 11 – *Transport Guidelines for Development* (DCP 11) and the RTA requirements. The provision of 63 spaces for retail uses (which includes the supermarket) and 5 spaces for commercial uses is 2 spaces short of the DCP 11 requirement. However, the City of Sydney submits that the car parking for the supermarket has not been determined in accordance with DCP 11. Specifically, the DCP requires car parking provision for supermarkets to be based upon a survey of similar supermarkets located in similar circumstances. The City of Sydney is of the opinion that the parking provided for the supermarket (56 spaces) should be reduced. This is based on the proximity to Redfern Station, bus routes and that the size of the supermarket is less than half the size of a full-line supermarket.

The Department has considered the City of Sydney submission and the Traffic Impact Assessment and agrees that given the site's close proximity to public transport, the proposed 56 supermarket car spaces should be slightly reduced by 5 spaces to 51. As a result, this will enable the amount of spaces for Lawson Square tenants to increase from 80 to 85 spaces (see below).

Lawson Square tenants' car parking

The City of Sydney Council and Redfern Waterloo Authority (RWA) raised concerns in relation to the reduction from 156 spaces to 80 spaces on site (note: 7-9 Gibbons Street currently houses a 3-level car park) for the use of tenants in the Lawson Square Towers (north of the site). Council and RWA state this is non-compliant with DCP 11. The view is held by the agencies that the approvals granted

by Council in 1970 and 1972 required the provision of 156 on-site parking spaces within the premises of 7-9 Gibbons Street.

The proponent submits that the provision of 80 car spaces is sufficient. If the provisions of DCP 11 (1 space per 125m²), were applied today, 87 spaces would be required for the Towers. Although parking required on the subject site relates to another site and a previous consent, the Department is of the opinion that 85 spaces should be met based on current tenancy agreements. This figure also serves to both acknowledge the objective to reduce the dependency on vehicles, and decrease the number of supermarket car parking spaces by 5. As a result there will be a net decrease of 5 spaces for retail/commercial uses (a total of 63), which the Department considers sufficient to service the development. Notably, the total number of residential car parking spaces will remain. The Department will impose a condition which will specify the allocation of car parking spaces, and will restrict the number of supermarket car parking spaces to 51.

5.4 Rail Corridor and Geotechnical Impacts

RailCorp has raised concerns with the Geotechnical Report insofar as the assessment is incomplete, no boreholes have been taken on the subject site, and results have been extrapolated from the adjacent RSL development site. RailCorp has also indicated that they have concerns with the potential impact of the excavation and construction works from the development site on the rail tunnels, station and infrastructure.

The Preferred Project Report has acknowledged this concern and has commented that this type of assessment is more appropriately undertaken during the detailed design phase of the development once the detailed construction methods have been established and specific geotechnical studies have been undertaken. The proponent submits that the acoustic testing, analysis and assessments undertaken for the purposes of mitigating structural impacts to the rail tunnel, including demolition of the existing building, should be submitted to RailCorp for review prior to construction.

To address their issues, RailCorp has outlined a number of recommended conditions that should be included in the project approval. The Department generally agrees with the recommended conditions and will include the conditions in the project approval to ensure potential impacts on the rail corridor are addressed and mitigated.

5.5 Acoustic Impacts

Clause 87 of the Infrastructure SEPP provides controls for residential development on land in, or adjacent to a rail corridor that is likely to be adversely affected by rail noise or vibration. Clause 87(2) of the SEPP requires noise not to exceed:

- 35dB(A) in any bedroom in the building at any time between 10.00pm and 7.00am; and
- 40dB(A) elsewhere in a residence at any time.

The proponent has submitted an acoustic report and has recommended various window thicknesses in order to achieve the above criteria. The Department will ensure a recommended condition is included to ensure compliance with clause 87(2) of the SEPP. The acoustic report also addresses the matter of construction noise, airborne noise control criteria between apartments, traffic and rail noise, vibration and regenerated rail noise.

5.6 Developer Contributions

The Redfern Waterloo Authority Contributions Plan 2006 applies to the site. Section 8 of the Contribution Plan specifies that the development levy is 2% of the cost of the proposed development. The Capital Investment Value of the project is \$39,097,226.00 and accordingly the levy payable equates to \$781,944.52. Schedule 2 of the plan provides details of the intended use of the development levy. The applicable works for the project are:

- *Item 7 - the upgrading of the Gibbons Street public domain, including upgrading of footpaths, planting, lighting and street furniture (estimated cost \$550,000).*

The proponent has indicated they intend to undertake public domain works, including a localised widening of the footpath, landscaping and lighting as part of the construction of the subject development. The proposed public domain works are consistent with the Works Schedule in the Plan

(Schedule 2), being Item 7. The proponent has requested that the sum of the total public domain works be discounted from the applicable contribution rate. This would result in a contribution of \$231,944.52.

The RWA has noted the proponent's intention to provide public domain works and requires a condition of project approval consistent with the condition included in the Instrument of Approval for the RSL Club site at 157 Redfern Street, Redfern (MP09_0039).

Under the provisions of section 16 of the Redfern Waterloo Authority Contributions Plan 2006, should the applicant seek to make a contribution towards the provision of public facilities to meet development other than by payment of a development levy, the applicant may adopt to formalise a 'Voluntary Planning Agreement' (VPA). This will enable the proponent to enter into a VPA with the RWA and Council, ensuring its development contribution obligations under the RWA Contributions Plan 2006 are excluded if the agreement is entered into.

The Department has made a recommended condition requiring the proponent to pay a levy of 2% of the cost of carrying out the development in accordance with the RWA Contributions Plan 2006. However, this condition does not apply if a planning agreement is entered into between the proponent, the RWA and Council within 6 months of the date of the determination and the agreement specifies that it is intended to exclude the obligations imposed by this condition.

The Redfern-Waterloo Affordable Housing Contributions Plan 2006 also applies to the site and aims to collect a levy from development towards the provision of affordable housing. Section 7 of the Plan provides that the Minister may require a monetary affordable housing contribution where development is subject to Part 3A of the EP&A Act. Under the Plan, the contribution rate is \$59.00 per square metre of gross floor area of the development which equates to a total of 11,326 m². This is then multiplied by 59 and results in a total contribution of \$668,234.00. In accordance with section 10 of the Plan, the contribution will need to be paid prior to the issue of a Construction Certificate. This is included as a recommended condition of approval.

5.7 Ecological Sustainable Development

The proposal is accompanied by a BASIX certificate and has adopted the following energy and water conservation measures to achieve ESD:

- Building construction has a high thermal mass, including concrete slabs and walls
- The residential component of the development has been designed so that 80% of apartments have a north-west aspect
- 95% of timber will be reused or recycled
- 60% of all steel will have a 50% post consumer recycled content
- Use of passive solar design principles, including insulation, glazing and vertical shading devices
- Use of energy efficient appliances, including instantaneous gas, fluorescent and LED lighting, and water efficient fixtures (showerheads, taps, toilets, dishwashers)
- Reuse of stormwater and rainwater harvesting

Accordingly, the Department believes that the proposal will adequately meet ESD principles.

6. RECOMMENDATION

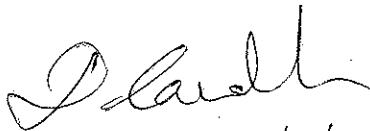
The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in public submissions in accordance with section 75(2) of the Act. All relevant environmental issues associated with the proposal have been considered and assessed.

The redevelopment of the car parking building will be a significant element in the ongoing renewal and revisitation of Redfern. The development is consistent with the strategic objectives for the area, the MD SEPP, and will provide employment for approximately 160 (60 construction + 100 operational) persons.

The Department is of the view that the proponent has adequately addressed the DGRs and satisfactorily mitigated the potential environmental impacts associated with the proposal. The recommended conditions (at **Appendix A**) and implementation of the measures detailed in the proponent's EA, PPR, and Statement of Commitments will maintain the amenity of the local area and adequately mitigate the environmental impacts of the proposal.

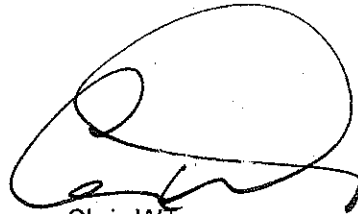
The project is in the public interest on the basis that the proposal complies with the objectives of the Metropolitan Strategy and Draft Sydney City Subregional Strategy for dwelling and employment targets, and will assist in the ongoing renewal and revitalisation of Redfern.

On balance, the Department considers the site to be suitable for the proposed development and that the project application is in the public interest. Consequently, the Department recommends that the project be approved, subject to conditions.

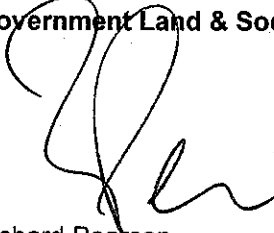


21/10/10

Daniel Cavallo
A/Director
Government Land & Social Projects



Chris Wilson
Executive Director
Major Projects Assessment



22/10/10

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at www.planning.nsw.gov.au

APPENDIX B SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

1. **State Environmental Planning Policy (Major Development) 2005 – Redfern-Waterloo Authority Sites**

The MD SEPP applies to the site. The site is listed as a State Significant Site under Schedule 3, Part 5 of the MD SEPP, which sets out provisions relating to zoning, height and floor space restrictions, design excellence, car parks, heritage, and the preservation of trees and vegetation. City of Sydney Council controls, including the South Sydney LEP 1998, do not apply to the site.

The proposal was declared a Part 3A project by the Director General, as delegate for the Minister for Planning, on 27 February 2009.

2. **State Environmental Planning Policy (Infrastructure) 2007**

The objectives of the Infrastructure SEPP are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities throughout the State.

Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the RTA. The project application was referred to the RTA on 27 July 2009 for comment. They have since provided comments. Their recommendations have been considered, and where relevant are recommended conditions to ensure that the impacts of the construction and ongoing operation of the development are appropriately mitigated.

The Infrastructure SEPP also requires development that involves the penetration of ground to a depth of at least 2m below existing ground level within 25m of a rail corridor to be notified to RailCorp and clause 86(3) provides that consent is not to be issued without the concurrence of RailCorp. Although concurrence is not applicable given the proposal is a Part 3A project, RailCorp was consulted on the proposal and have since provided comments.

The CBD rail link is located below the proposed development and therefore the subject site is within the protection zone identified in the Infrastructure SEPP CBD Metro Map 7. Accordingly RailCorp has forwarded to the Department conditions of approval. The Department has included RailCorp's recommended conditions in the determination.

3 **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006. The SEPP requires all new residential dwellings in NSW to meet the specified sustainability targets of a 20% reduction in energy use and 40% reduction in potable water.

The proponent has submitted a BASIX certificate for the residential component of the proposal. The Certificate indicates that the building will satisfactorily meet the thermal performance requirements of BASIX and will meet the BASIX targets with a 40% water rating and 20% energy rating. The Department is satisfied of the developments compliance with the SEPP.

4 **State Environmental Planning Policy No. 65 — Design Quality of Residential Flat Development**

SEPP 65 seeks to improve the design quality of residential flat development through the application of 10 design principles. An assessment against these principles is provided in the table below.

A Design Verification Statement has been provided by Angelo Candalepas & Associates Pty Ltd - Architects stating that the subject development has been designed having respect to the design quality principles. The Departments consideration of the 10 design principles is provided below.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The proposed development is similar in scale to that proposed for the Redfern RSL site at 157 Redfern Street. The proposal seeks to improve the relationship between the existing use of the site with the wider Redfern Waterloo Precinct by creating a variety of uses and a well articulated and rich façade that will be a positive contribution to the quality of building design and amenity of the area. Notwithstanding this, the proposal is consistent with the development controls contained in the MD SEPP which encourages

	high rise mixed use development on the site. Accordingly, the proposal is consistent with the future character of the locality.
Principle 2: Scale	The scale and bulk of the tower are considered to be acceptable and in context with the scale of the GCA Tower one block to the north and the approved Redfern RSL development.
Principle 3: Built Form	The proposed development exhibits three main elements: the street level; the podium; and the tower. These three design elements interrupt the façade and create proportions that relate to the Redfern RSL. They create a defined street edge with multiple uses and access points to both Gibbons Street and Marian Street. At street level, the provision of public domain works as well as improving the connection between the station and the town centre will embellish the site and the surrounding precinct.
Principle 4: Density	The site is contained within a mixed-use zone, which permits the integration of a mixture of uses inclusive of residential, commercial and retail uses. The proposal complies with the density controls at a 7:1 floor space ratio as stipulated in the MD SEPP. The density of the proposal is consistent with the future desired development yield for the area.
Principle 5: Resource, Energy and Water Efficiency	The proponent has submitted an Ecologically Sustainable Development Report which details the number of measures to ensure the working sustainability of the development, including efficient use of natural ventilation, sun access, energy and water use.
Principle 6: Landscape	The proposal does not include any provision for landscaped works due to the high winds expected from the down wash off the residential tower. Apart from individual balconies, the opportunity exists for landscaping the footpath area along Marian and Gibbons Street. Marian Street Park is located across the road south-west of the site.
Principle 7: Amenity	<p>The apartments have been designed to have living spaces adjoining balconies that will receive adequate sunlight with the majority of all habitable rooms having direct access to sunlight.</p> <p>SEPP 65 and the Residential Flat Design Code require that a minimum of 70% of apartments have access to sunlight for 3 hours between 9am and 3pm at mid-winter. The proponent indicates that the north-western aspect will ensure 80% of all apartments will obtain direct access to sunlight during mid-winter having a minimum of 3 hours of solar access to living areas and private open spaces during mid winter. The majority of balconies achieve the minimum required depth of 2 metres and have an orientation to the north-west off living rooms.</p>
Principle 8: Safety and Security	<p>The proposal has incorporated safety and security elements both internally and in the public domain. Safety concerns raised by Council and the Department have been addressed in the PPR.</p> <p>The retail premises on ground and Level 1 will assist in the activation and passive surveillance of the area. The podium, residential units and balconies also contribute to the passive surveillance of the proposal. The residential foyer and office area will have secure access.</p>
Principle 9: Social Dimensions and Housing Affordability	<p>The proposed building provides additional housing opportunities in a range of studio and 1 to 2-bedroom apartments. This will assist to meet the dwelling targets as outlined in the Draft Sydney City Subregional Strategy and will generally assist in the improvement of the locality through housing and employment opportunities.</p> <p>The development does not contain residences that will meet the requirements of housing affordability as defined in SEPP 65. Notwithstanding this, the proposal is subject to the Redfern-Waterloo Authority's Affordable Housing Contribution Plan 2006 which includes a specific levy to be paid in lieu of providing</p>

	9-storeys and above: 18 metres habitable rooms/ balconies and non-habitable rooms	A 9.5m setback at level 3 between habitable rooms and commercial offices. A 12m setback at levels 4-17 between habitable rooms, 10.45m at levels 4-17 between non-habitable rooms and balconies.	Yes	The proposed 9.5m separation at level 3 and upper level building to building separation are considered acceptable as the proposed residential units to the subject building are oriented away from the adjoining units of DeiCorp Building.
South elevation: To Marian Street.	Up to 4-storeys 6 metres between non-habitable rooms 5 to 8-storeys 13 metres between habitable rooms/ balconies and non-habitable rooms 9-storeys and above 18 to 24 metres habitable rooms/ balconies and non-habitable rooms	1.5m from boundary at ground level. Levels 1 & 2 Nil setback. Levels 3 to 17 have a 4m setback.	Yes Yes Yes	Separation between Marian Street at all levels is considered appropriate and will not impose on the council depot and 2 storey mixed uses building fronting Regent Street to the south.
East elevation to William Lane.	Up to 4-storeys 6 metres between non-habitable rooms 5 to 8-storeys 13 metres between habitable rooms/ balconies and non-habitable rooms 9-storeys and above 18 metres habitable rooms/ balconies and non-habitable rooms	800mm to William Lane at ground floor. Nil setback at levels 1 & 2. Levels 3 to 17 provide a setback of 3.2m to boundary or 5.635m from the centre of the Lane. The exception is for three bay windows at each floor level 4-17 that will have a setback from the boundary of 2.2m.	Yes Yes No	Although the setback is less than 13/18m, it is effectively only two units at each floor level 4 to 17. Development to east is generally 2 storey commercial and residential buildings. The view from the subject building will be the rear area of these buildings that have frontage to Regent Street. The impact is considered acceptable in the circumstance.
West elevation: To Gibbons Street	9-storeys and above 18 metres habitable rooms/ balconies and non-habitable rooms	The ground floor level provides a 1.5 m setback from the property boundary or 5 metres from the kerb. Levels 1 & 2 provide a nil setback. Levels 3 to 17 have the residential component setback from the property boundary in excess	No	No issues are raised to the proposed setbacks from Gibbons Street. The building is articulated and provides interest. The subject site is across from Redfern Station/Redfern Station building (non-habitable) and Marian Street Park to the south west.

		of 5.0m with the balconies having a minimum setback from the boundary of 3.135m.		
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Open Space

The Code requires that a minimum of 25m² of private open space be provided for each apartment with balconies being a minimum 2 metres in depth. Each apartment is provided with a balcony of adequate size that is oriented north-west thus accessing winter sunlight.

The Code requires that 25 to 30% of the site be dedicated for the purposes of communal open space, however recognises that in some urban contexts, this may not be achievable. The subject site is relatively small and the provision of a communal area would be difficult. The design incorporates an artificial landscaped area on level 3 at the eastern side of the building, which is not accessible from units. Although the area is not a 'communal open space', it will assist visually when viewed from apartments. As mentioned elsewhere in the report, the subject site has the benefit of the Marian Street Park located opposite towards the southwest.

Solar Access

The Code recommends that in dense urban areas 2 hours of sunlight is to be provided between 9am and 3pm during the winter solstice to the living rooms and private open spaces of 70% of apartments. The proponent's assessment indicates that 80% of all apartments will obtain 2 hours of solar access during the winter solstice.

The Department has considered the architect's design verification statement and the proponent's SEPP 65 assessment and generally accepts that the built form, density and amenity of the proposed development are considered acceptable and has been designed in accordance with SEPP 65 Design Principles and the Residential Flat Design Code.

5 State Environmental Planning Policy No. 55 – Remediation of Land

As the subject site is entirely covered by a four-storey building, testing within the site is not possible until the site is demolished. The proponent has conducted an Environment Site Assessment which concludes there may be potential contamination on the site associated with an underground storage tank, which contained 30,000 Litres of unidentified flammable liquid. In 1994, the contents were removed and the tank was filled with water and rust inhibitor and sealed.

The Environmental Site Assessment report concludes that the site is suitable for commercial and residential development subject to remediation of any contamination or potential acid sulphate soils detected subsequent to further testing after demolition of the existing building. A condition of approval shall be included requiring the proponent to undertake a Remedial Action Plan prior to construction. Accordingly the site can be made suitable for the proposed development and thus satisfactorily meets the requirements of SEPP 55.

6 Compliance with other Controls and Policies

6.1 Redfern-Waterloo Authority Built Environment Plan

The Redfern-Waterloo Built Environment Plan (BEP) was developed as a key driver for the RWA to assist in the social and economic revitalisation of the Redfern-Waterloo area. The BEP ties in with the strategic direction and targets of the Draft Sydney City Subregional Strategy and is designed to provide a planning framework for the redevelopment of the RWA's strategic sites, which includes the subject site. Schedule 3 of the Major Development SEPP identifies these strategic sites and the key built form controls and also provides the statutory basis to guide their future development.

The BEP supports the development controls contained in the MD SEPP and details the strategic direction of the locality. Apart from the controls contained the MD SEPP, there are no prescriptive development controls within the BEP. The proposal is permissible within the zone, does not exceed the floor space ratio control and is consistent with the height control as discussed previously in this report. The proposal demonstrates an understanding of the site's context and responds to the desired future character of the area. Accordingly, the proposal is considered to be consistent with the objectives of the BEP.

6.2 Redfern-Waterloo Authority Development Contribution Plan

The site is subject to the RWA's Contributions Plan for levying of development contributions for the provision of public facilities and infrastructure.

Under clause 8 of the Contributions Plan, the Minister may impose, as a condition of approval to the carrying out of development, a requirement that the proponent pay a development levy of 2% of the Capital Investment Value of the proposal towards works as detailed in Schedule 1 of the Plan. These works include public domain works. The 2% contribution equates to \$781,944.52. A condition of approval requesting payment of this levy has been included. The condition recognises that the levy is not payable if the proponent enters into a VPA for the public domain works with the RWA and Council. The proponent has indicated that they intend provide an upgrade of Gibbons Street comprising public domain works, including localised widening of the footpath, landscaping and lighting as part of the construction of the development.

6.3. Redfern-Waterloo Authority Affordable Housing Development Contributions Plan 2006

The Redfern-Waterloo Affordable Housing Contributions Plan 2006 aims to collect a levy from development in order to provide approximately 7,500m² of affordable housing which equates to approximately 75 deliverable units (apartments) on a basis that each unit has 100 m².

The Plan and its objectives are consistent with the objectives of the Draft Sydney City Subregional Strategy which identifies the need to improve the availability of affordable housing within the Redfern-Waterloo area.

Section 7 of the plan provides that the Minister may require a monetary affordable housing contribution where development is subject to Part 3A of the Act. Under the plan, the contribution rate is \$59.00 per square metre of gross floor area of the development which equates to a total of 11,326 m². This is then multiplied by 59 and results in a total contribution of \$668,234.00. In accordance with Section 10 of the Plan, the contribution will need to be paid prior to the issue of a Construction Certificate. This is included as a recommended condition of approval.
